UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/81/Add.10
10 September 1997

ENGLISH ONLY

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Initial reports of States parties due in 1993

Addendum

LITHUANIA

[16 April 1996]

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GE.97-18191 (E)

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Introduction

1. Pursuant to the provisions of article 40 of the International Covenant on Civil and Political Rights, which came into force in the Republic of Lithuania on 20 February 1992, the Republic of Lithuania, as a party to this Covenant, hereby submits its initial report on measures taken for realization of the rights recognized in this Covenant, as well as on their relevant progress.

2. The report is composed in accordance with the guidelines which the Committee on Human Rights adopted in respect of the form and content of initial reports.

3. The Constitution of the Republic of Lithuania (of 1992) includes a special chapter pertaining to human rights and fundamental freedoms (Chapter II, "The Individual and the State"). After a close examination of the constitutional provisions, it is obvious that many of them, virtually or in spirit, repeat the provisions of the International Covenant on Civil and Political Rights as well as those of other basic international instruments on human rights.

4. Until the day of the proclamation of the re-establishment of the independence of the Republic of Lithuania (11 March 1990), the country lived under Soviet legislation that proclaimed many (though not all) of the universally recognized human rights principles. The State mostly lacked some of the basic procedural instruments for the practical realization of constitutional provisions relating to human rights and basic freedoms. The courts in their practice were addressing exclusively domestic legislation, and practice in the field of application of international instruments on human rights was virtually absent.

5. The Act on Re-Establishment of an Independent State of Lithuania of 11 March 1990, inter alia proclaimed as follows:

> "The State of Lithuania stresses its adherence to universally recognized principles of international law, recognizes the principle of inviolability of borders as formulated in the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, and guarantees human, civil and ethnic community rights."

Also, the Resolution of the Supreme Council (i.e. the then Parliament) of 12 March 1991, on the Accession of the Republic of Lithuania to the Instruments of the International Bill of Human Rights, stated that Lithuania "solemnly undertakes to respect the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948".

6. On 12 March 1991, Lithuania acceded to the International Covenant on Civil and Political Rights, to the International Covenant on Economic, Social and Cultural Rights and to the Optional Protocol to the International Covenant on Civil and Political Rights of 1966; accession became effective as from 20 February 1992. On 27 April 1995, Lithuania ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Fourth, Seventh and Eleventh Protocols to the Convention and made declarations

recognizing for a three-year period the competence of the European Commission and the European Court of Human Rights according to articles 25 and 46 of the Convention. On 7 December 1995, Lithuania ratified the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms and made the same declaration with regard to the First Protocol. Lithuania has also acceded to other basic international instruments on human rights, such as the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, etc.

7. As the Provisional Fundamental Law of the Republic of Lithuania (of 11 March 1990) did not provide for the direct regulation of the relationship between international and domestic law, the special Law on International Treaties (of 1991) provided as follows: "International treaties of the Republic of Lithuania shall have the force of law on the territory of the Republic of Lithuania".

8. This approach was modified by the Constitution of the Republic of Lithuania adopted by the referendum of 25 October 1992, Part 3 of article 138 of which states as follows: "International treaties which are ratified by Seimas [i.e. the Parliament] shall be a constituent part of the legal system of the Republic of Lithuania".

9. As mentioned above, the legislation of the Republic of Lithuania (including the Constitution of 1992) in certain cases literally repeats the provisions of international accords on human rights. In other instances statutes contain general references to international treaties, e.g. article 36 of the Law on Citizenship provides as follows: "If an international treaty to which the Republic of Lithuania is a party prescribes rules other than those established by the Law, the provisions of the international treaty shall prevail".

10. The question of priority in the relationship between a legislative enactment and the rules of international human rights law has no direct answer in the Lithuanian legal system. It should be taken into consideration that the constitutional provisions have priority over other legal acts (article 7 of the Constitution); however, in common Lithuanian legal terminology the term "other legal acts" normally does not include international treaties.

11. Lithuanian legislation does not contain any provision on the applicability of general principles of international law or customary international law in domestic law. The judicial and/or administrative practice is still silent on this issue, and the tendency to rely exclusively on domestic sources of law is still strong in courts. However, the Constitutional Court recently referred in some cases to international instruments on human rights. In the *Case on the compliance of the Law of the Republic of Lithuania on Appending and Amending the Law on the Procedure and Conditions of the Restoration of the Rights of Ownership to the Existing Real Property* the Constitutional Court in its Ruling of 27 May 1994 referred to the Universal Declaration of Human Rights and to the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Ruling of the Constitutional Court of 18 November 1994 in the

Case of Conformity of Article 58, part 2, paragraph 3, of the Code of Penal Procedure with the Constitution of the Republic of Lithuania contains several references to the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as to the case law of the European Court of Human Rights. In the *Case of Conformity of the European Convention for the Protection of Human Rights and Fundamental Freedoms with the Constitution of the Republic of Lithuania* the Constitutional Court decided in its Opinion of 24 January 1995 that the Convention does not contradict the Constitution of Lithuania. The Opinion of the Constitutional Court accelerated the ratification by Lithuania of the Convention.

12. In the Republic of Lithuania there exist general conditions for the establishment in practice of human rights and basic freedoms. These conditions include: the State based on the rule of law, civil society, private property and protected private initiative, political pluralism, and parliamentary democracy. In spite of certain deficiencies and problems in the functioning of the State based on the rule of law (caused by the transition from one type of social, economic and political system to another), it would not be possible to claim that in Lithuania any of the human rights and basic freedoms guaranteed in the Constitution and in the International Covenant on Civil and Political Rights is seriously, grossly, systematically or frequently violated. The level of respect for human rights in the Republic of Lithuania is comparable with that in any member State of the Council of Europe. The initial report aims to provide information on the progress achieved in the implementation of the International Covenant on Civil and Political Rights and on the areas where there exist certain problems in the enjoyment of the rights recognized by the Covenant.

Article 1

13. On 11 March 1990, the democratically elected Supreme Council of the Republic of Lithuania adopted the Act of the "Re-establishment of Independence in the State of Lithuania". The Act stipulates: "The Supreme Council of the Republic of Lithuania, expressing the will of the Nation, decrees and solemnly proclaims that the execution of the sovereign powers of the State of Lithuania, abolished by foreign forces in 1940, is re-established, and henceforth Lithuania is yet again an independent State".

14. The re-establishment of independence of the Republic of Lithuania encompasses more than the sole restoration of inherent rights for the Lithuanian Nation. The re-establishment of sovereignty signified the end of a foreign domination which lasted from 1940 to 1990 and brought with it the systematic and gruesome violation of human rights. From 1941, when some 34,000 Lithuanians were deported by the Soviet Union, until 1953, the Soviet Union carried out a total of 35 large-scale deportations. According to Soviet documents, 20,138 members of the resistance were annihilated and 19,003 arrested, and about 473,185 inhabitants of Lithuania were deported. The Soviet occupiers systematically resorted to torture and involuntary commitment to psychiatric hospitals. Because of their political beliefs people used to

be dismissed from their jobs and expelled from universities. The Church and believers were incessantly persecuted: churches would be closed down and believers discriminated against.

15. The re-establishment of independence provided all the necessary conditions for the termination of such human rights violations and for the passing of laws ensuring these basic human rights and freedoms. However, after the re-establishment of independence, after all the necessary legislative and administrative measures were taken toward the abolition of human rights violations, the remnants of the Soviet occupation in this area remain. Individuals who had committed severe human rights violations, including war crimes, have not yet been convicted, as they are beyond the boundaries of Lithuanian jurisdiction. The countries in which these people currently reside should be required to extradite them to the Republic of Lithuania where justice may be carried out, or administer justice within their territory. Moreover, damages caused by the occupiers' human rights violations are still unpaid.

16. Citizens of Lithuania who left the country during the occupation to live in the Soviet Union are still denied the rights guaranteed them by article 27 of the Covenant.

Article 2

17. Respect and guarantees of the rights of all persons within its territorial boundaries and jurisdiction are provided for in chapter 2 "The Individual and the State" (arts. 18-37) of the Constitution of the Republic of Lithuania. Article 29 of the Constitution specifically states that "all people shall be equal before the law, the court, and other State institutions and officers". It is against the law to have personal rights restricted in any way, or to be given any privileges, on the basis of sex, race, national origin, language, social status, religion, conviction, or opinion.

18. The independent and democratic Republic of Lithuania inherited the Soviet legislation and judicial system, which have been changed radically during the last five years on the basis of the generally accepted principles of international law and international human rights instruments. Laws which have been passed and those currently under preparation, as well as other legal acts, are in conformity with the requirements of international instruments for the protection of human rights binding on the Republic of Lithuania, first of all with the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

19. To ensure the protection of the rights recognized by the Covenant and other international instruments, the court system of Lithuania has undergone a process of reform. In addition to local courts, the Supreme Court, the Constitutional Court, district courts and the Court of Appeals have already begun functioning and the institution of the Seimas Ombudsmen has been established; the limits of their competence and the procedures for filing a complaint have been defined. Every decision made by executive, legislative and judicial bodies may be appealed to a higher court.

Article 3

20. The equal rights of men and women are guaranteed by the Constitution of the Republic of Lithuania. According to article 29, "everyone shall be equal before the law, the court, and other State institutions and officers". Paragraph 2 of this article prohibits discrimination against individuals on the basis of sex.

21. The equal political and civil rights of men and women are guaranteed by many other laws as well. On 11 March 1994, the Lithuanian Government issued an order to establish the institution of the State Consultant on Women's Issues. It started its activity with the preparations for the Fourth World Conference on Women held in Beijing in 1995. A working group consisting of four persons worked on the following issues: reviewing the existing laws of the Republic of Lithuania with regard to their conformity with the principles of international human rights in respect to women's rights; preparing their suggestions for amendments to existing laws and the ratification of the Convention on the Elimination of All Forms of Discrimination against Women; the draft Law on Sexual Equality.

22. By the decision of the Lithuanian Government of 6 April 1994, the Lithuanian Committee for the Preparations for the Fourth World Conference on Women was established. It comprised representatives of both governmental and non-governmental organizations. The main task of the Committee was to work out a programme for the preparations for the Fourth World Conference on Women and to supervise its implementation. It also had to draft a report for the United Nations on the legal and social status of women in Lithuania. The Committee had a three-member secretariat, funded by the Government, which published a monthly bulletin on questions relating to women's rights and sexual equality. It also prepared and implemented various programmes relevant to these issues.

Article 4

23. Article 142 of the Constitution of the Republic of Lithuania provides for the possibility of imposing martial law. Neither martial law nor a state of emergency has been declared in the Republic of Lithuania. The President of the Republic of Lithuania is entitled to impose martial law only "in the event of an armed attack which threatens the sovereignty of the State or its territorial integrity" (article 142 of the Constitution). The Seimas approves or abolishes the decision of the President (art. 142). Article 144 of the Constitution stipulates that in the event that the constitutional system or public order of the State is threatened, the Seimas may declare a state of emergency throughout the country, or in separate parts thereof, for a period not exceeding six months. In the event of an emergency, and if the Seimas is not in session, the President of the Republic shall have the right to issue such a decision and shall, at the same time, convene an unscheduled session of the Seimas for the consideration of this issue. The Seimas shall approve or annul the decision of the President. A state of emergency shall be regulated by law. According to article 145 of the Constitution only the following guarantees of rights and freedoms can be restricted: inviolability of private

life (art. 22), inviolability of residence (art. 24), the right to express convictions freely (art. 25), freedom of movement (art. 32), freedom of association (art. 35) and freedom of assembly (art. 36).

Article 5

24. Under the law of the Republic of Lithuania violations of human rights and freedoms or attempts to limit them are prohibited. Article 2 of the Law on Political Parties stipulates:

> "The establishment or activity of political parties whose programme documents instigate and whose activities practise racial, religious, social class inequality and hatred, methods of authoritarian or totalitarian rule, methods of forcible (violent) seizure of power, war, and violent propaganda, violation of human rights and freedoms, or other ideas or actions which contradict the constitutional order of the Republic of Lithuania and are incompatible with universally recognized norms of international law, is strictly forbidden."

25. The Constitution of the Republic of Lithuania stipulates which rights and freedoms may be restricted and on what basis. Article 24 stipulates that "without the consent of a resident(s), entrance into a dwelling place shall only be permitted upon a corresponding court order, or according to the procedure established by law when the objective of such an action is to protect public order, apprehend a criminal, or save a person's life, health, or property". Article 25 states that "individuals must not be hindered from seeking, obtaining, or disseminating information or ideas. Freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law, when it is necessary for the protection of the health, honour and dignity, private life, or morals of a person, or for the protection of constitutional order". Article 26 sets forth that "a person's freedom to profess and propagate his or her religion or faith may be subject only to those limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others". Article 32 provides that the right to movement "may not be restricted except as provided by law and if it is necessary for the protection of State security or the health of the people, or to administer justice". Article 36 establishes that the right of peaceful assembly "may not be subjected to any restrictions except those which are provided by law and are necessary to protect the security of the State or the community, public order, people's health and morals, or the rights and freedoms of other persons".

26. No provision of any law or other legal act of the Republic of Lithuania may be the basis for the restriction or abolishment of any of the rights recognized by the Covenant.

Article 6

27. Article 19 of the Constitution of the Republic of Lithuania provides that "the right to life of individuals shall be protected by law".

28. Since 3 December 1991, the death penalty may be imposed exclusively for murder committed in aggravating circumstances, as provided in article 105 of the Penal Code of the Republic of Lithuania. Since 1990 eight death penalties have been executed.

29. The Law on Responsibility for Genocide of Inhabitants of Lithuania was passed on 9 April 1992. Article 3 of this Law provides that no statutory limitation applies to persons who committed the crimes outlined in this Law before the Law was passed. If persons guilty of genocide are sentenced to death, according to article 49 of the Penal Code of the Republic of Lithuania, the death penalty may be commuted to life imprisonment.

30. According to paragraph 23 of article 84 of the Constitution of the Republic of Lithuania, only the President has the right to grant pardons to sentenced persons. The procedure of investigation of appeals to grant a pardon was defined by the Presidential Decree of 11 January 1993.

31. The Penal Code of the Republic of Lithuania (art. 24) states that women, juvenile delinquents and mentally disabled persons cannot be sentenced to death.

Article 7

32. The provisions of article 7 of the Covenant, banning torture, abuse, cruel behaviour, inhuman or degrading treatment or punishment, are provided for in article 21 of the Constitution of the Republic of Lithuania which states the following: "A person shall be inviolable. Human dignity shall be protected by law. It shall be prohibited to torture, injure, degrade, or maltreat a person, as well as to establish such punishments". The same article establishes prohibition on carrying out scientific and medical testing without a person's knowledge thereof and consent thereto.

33. Article 41 of the Penal Code of the Republic of Lithuania provides for such aggravating circumstances as committing a crime in an extremely rude manner or deriding a victim. Cruelty as an aggravating circumstance of other particular crimes is defined in article 105 (murder), article 111 (intentional serious bodily injuries), article 112 (intentional bodily injuries), and article 117 (beating and torture) of the Penal Code.

Article 8

34. According to article 48 of the Constitution of the Republic of Lithuania, forced labour is prohibited. Further, this article stipulates that military service or alternative service, as well as labour which is executed during war, natural disaster, epidemic, or other urgent circumstances, and labour performed by convicts may not be deemed forced labour. Labour performed by convicts is regulated by the provisions of chapter 8 "Labour Performed by Persons Sentenced for Criminal Offences" of the Penitentiary Code of the Republic of Lithuania, which define working conditions, compensation for work, salary deductions, as well as the right to disability pension for persons who became disabled during the execution of criminal penalties.

Article 9

35. The right to liberty and security of person provided for in article 9 of the Covenant is guaranteed under article 20 of the Constitution of the Republic of Lithuania:

> "Personal freedom shall be inviolable.
>
> No person may be arbitrarily arrested or detained. No person may be deprived of freedom except on the bases, and according to the procedures, which have been established in laws.
>
> A person detained in flagrante delicto must, within 48 hours, be brought to court for the purpose of determining, in the presence of the detainee, the validity of the detention. In the event that the court does not adopt a decision to arrest the person, the detained individual shall be released immediately."

36. The detention and arrest of a criminal are regulated by the Code of Penal Procedure of the Republic of Lithuania. Article 10 of the Code states that the arrest of a person may take place only on the basis of a court decision or the sanction of the prosecutor. The prosecutor has to release immediately a person who has been arrested unlawfully or who has been imprisoned for a period exceeding the period provided by law. According to the reservations made by Lithuania on 27 April 1995 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, detention may be also vested by the prosecutor. The reservation remains in effect for one year following the declaration.

37. Arrest in cases of criminal offences punishable by imprisonment may be carried out only if the ground exists to suspect that the accused, while at large, will hide from the interrogation and court, or hamper the process of investigational procedures in finding the truth, or commit further crimes (Code of Penal Procedure, arts. 95-104). The length of the arrest is provided for in article 106 of the Code. According to this article, a person can be under arrest for no longer than two months. Under valid ground this period may be prolonged up to three months by the head prosecutor of the region (city). In cases of extremely complicated investigations the Prosecutor General of the Republic of Lithuania and his deputy prosecutors has the right to extend this term up to nine months. In extraordinary cases the Prosecutor General may prolong this term for a maximum of 18 months of detention.

38. If the court returns the case for a new investigation and the circumstances of the case are such that the arrest cannot be suspended, the arrest period may be extended by the prosecutor monitoring the case for no longer than for one month since he received the case. Further, this term may be prolonged with regard to the time the accused had spent in detention before the case was passed to court, according to the procedure established in paragraph 1 of this article and within its limits.

39. The detention of a person suspected of having committed a crime is regulated by article 137 of the Code of Penal Procedure. Detention is defined as a short-term imprisonment which may be executed without a prosecutor's

sanction. The prosecutor must be informed about the detention of a person within 24 hours. Within 48 hours the prosecutor may either issue a sanction for the arrest or release the person.

40. Chapter 3 "The Administrative Penalty" of the Administrative Code of the Republic of Lithuania provides for an administrative arrest as one of the possible penalties (art. 29). This penalty is applied only in exceptional cases for certain violations of administrative law for up to 15 days. The local (regional, town) court (judge) is authorized to sanction the administrative arrest.

41. According to article 53 of the Code of Penal Procedure ("Participation of Counsel in Penal Procedure"), a counsel has the right to participate in the investigation of the case upon the request of the suspect or the accused person from the moment of his/her being investigated.

42. The Penal Code of the Republic of Lithuania provides for the responsibility of officials for abuse of official duties (art. 178), unlawful arrest (art. 185), unlawful detention or bringing to court.

43. Article 30 of the Constitution of the Republic of Lithuania, article 64 of the Code of Penal Procedure ("The Obligation of the Inquest Body, Interrogator, Prosecutor and the Court to Authorize the Recovery of Damage Inflicted upon a Person by Unlawful Actions"), and article 486 of the Civil Code ("The Recovery of Damage Inflicted by Unlawful Actions of Inquest, Interrogation, Prosecutor's Office or Court Officers") stipulate the right of a person to receive compensation for material and moral damage resulting from the violation of his/her constitutional rights and freedoms.

44. In the period from 1 January 1993 to 1 October 1995, 14 officials of the Ministry of Internal Affairs were punished by administrative penalties for unlawful application of article 137 of the Code of Penal Procedure.

45. It should be noted that, with the increasing crime rate and quickly expanding variety of forms organized crime takes in Lithuania and in an attempt to restore the clearly shaken legal balance, on 13 July 1993 the Seimas of the Republic of Lithuania adopted the amendment to the Law on Operative Activities and on 15 December 1993 supplemented the Code of Penal Procedure with article 50 (1) "Preventive Detention of a Person". According to this article and pursuant to the documents acquired in the manner defined by the laws of the Republic of Lithuania, if there is valid ground to suspect that a person can perform dangerous actions described in article 75 (gangsterism), article 227 (organizing of a criminal gang, leadership and participation in it) and article 227 (acts of terrorism against a person) of the Criminal Code, and in order to prevent the commission of the said crime, the chief police officer of the regional (town) police department of the Ministry of Internal Affairs or his assistant has the right to detain such a person, under justified ruling sanctioned by the Prosecutor General of the Republic of Lithuania, deputy prosectors and head prosecutors of regions (towns). Prosecutors issue the sanction for the person's detention only after they have analysed all the material serving as grounds for detention. Regional (town) prosecutors have to immediately advise the Prosecutor General about the sanctions issued under this article. The detainee is notified about

the Prosecutor's sanction of his arrest within 24 hours after the arrest has been carried out, which has to be confirmed by the signature of the detainee.

46. Within 48 hours the issue of the validity of the detention has to be decided by the chairman of the local court, a judge of the Supreme Court or the Deputy Chairman of the Supreme Court in the presence of the police officer who has taken the decision to detain the person and the officer from the prosecutor's office who sanctioned the arrest or other authorized officers.

47. According to this amendment, the counsel representing the detainee has the right, in the period from the day of the judge's decision on the validity of the arrest to the day of filing a complaint, to make an appointment with the person under detention in the presence of a police officer or an officer from the prosecutor's office. At this meeting police or prosecutor's office officials have the right to use technical means. In addition, this amendment provides that every person who has been unlawfully detained under this amendment is subject to recovery of damages in accordance with the order established by law. It should be noted as well that this law was enforced as a temporary measure. Article 50 (1) of the Code of Criminal Procedure is only valid until 1 January 1997.

Article 10

48. Article 21 of the Constitution of the Republic of Lithuania provides:

> "The person shall be inviolable.
>
> Human dignity shall be protected by law.
>
> It shall be prohibited to torture, injure, degrade, or maltreat a person, as well as to establish such punishment.
>
> No person may be subjected to scientific or medical testing without his or her knowledge thereof and consent thereto."

49. The legal status of persons under arrest is regulated by the Law on Warrant Detention Conditions. Article 8 of this Law stipulates separate confinement of the detained with regard to age, sex, gravity of crime, etc., which complies with the provisions of paragraph 2 of article 10 of the Covenant.

50. The legal status of convicts is provided for in the Penitentiary Code of the Republic of Lithuania. Article 18 of the Code also establishes the provisions regarding separate confinement of convicts with regard to age, sex, and gravity of the crime committed.

51. With the rapid growth in the crime rate, and accordingly in the number of convicts, certain penitentiary institutions in the Republic of Lithuania are facing a difficult situation. This is especially apparent in the Vilnius and Siauliai prisons, the number of inmates in which far outnumbers cell space, which, accordingly, contributes to the worsening of prison conditions.

The Government of the Republic of Lithuania is seeking ways to improve these conditions, but the current economic situation does not make it possible to solve this problem quickly.

Article 11

52. According to the laws of the Republic of Lithuania no person can be deprived of freedom only because of his incapability to carry out contractual obligations. Such a basis for detention is not provided for in Lithuanian legislation. Moreover, article 20 of the Constitution of the Republic of Lithuania states that "no person may be arbitrarily arrested or deprived of freedom except on the bases, and according to the procedures, which have been established by laws". In this connection it should be noted that article 131 of the Penal Code of the Republic of Lithuania provides for criminal responsibility for unlawful detention.

Article 12

53. The provision of the right of a person to freely move and choose the place of residence is set forth in article 32 of the Constitution of the Republic of Lithuania:

> "Citizens may move and choose their place of residence in Lithuania freely, and may leave Lithuania at their own will.
>
> This right may not be restricted except as provided by law and if it is necessary for the protection of State security or the health of the people, or to administer justice.
>
> A citizen may not be prohibited from returning to Lithuania.
>
> Every Lithuanian may settle in Lithuania."

Thus, this article of the Constitution sets forth the conditions under which the right to move or choose the place of residence may be restricted. The right of Lithuanian citizens to return to Lithuania cannot be restricted in any way.

54. The Law on Immigration (4 September 1991) and the Law on Emigration (5 November 1991) were passed to specify the issues of migration in the Republic of Lithuania.

The Law on Emigration

55. Article 1 of this Law guarantees the right of an individual to emigrate, i.e. to depart for permanent residence in another State. Emigration documents are issued after the application for emigration has been filed. Attached to the applications have to be the following notarized documents:

(a) A copy of the birth certificate;

(b) Written consent of children from 14 to 18 years of age to emigrate together with their parents (foster parents);

(c) Written consent of one of the parents (foster parents) staying in the Republic of Lithuania, or of a lawful representative, concerning the emigration of children under 18 years of age and written consent of the spouse staying in the Republic of Lithuania testifying to his/her consent to the person's emigration, or a court decision on the issue.

56. Article 7 of the Law restricts the right to emigrate if:

(a) Legal proceedings have been instituted against the person;

(b) The person has not served his/her court sentence;

(c) The person has unfulfilled property obligations to natural and legal persons and there are no guarantees of fulfilment thereof, and if he or she does not present a document testifying to the consent of these natural or legal persons to his or her emigration;

(d) The person is of military conscription age and has not performed compulsory national defence service or other equivalent service, and is not exempt from it in accordance with the procedure established by law;

(e) The person has been exposed to State secrets as defined by the law and the required period established by law has not yet expired from the day since he or she was no longer employed in an office related to State secrets.

57. A citizen of the Republic of Lithuania who was not issued emigration documents has the right to file another application only after the elimination or disappearance of the reasons for which he or she had been refused issuance of emigration documents.

58. A citizen of the Republic of Lithuania has the right to appeal to court against the decision of the Ministry of Internal Affairs to refuse the issuance of emigration documents within 30 days from the notification thereof. If the court declares the decision of the Ministry of Internal Affairs unlawful, the Ministry of Internal Affairs must, upon the coming into force of the decision, issue the citizen of the Republic of Lithuania with emigration documents within seven days.

Article 13

59. The stay of foreigners and their deportation from the Republic of Lithuania are regulated by the Law on the Legal Status of Foreigners in the Republic of Lithuania, passed in September 1991. According to article 36 of the Law, the Ministry of Internal Affairs recommends that a foreigner who has violated the Constitution of the Republic of Lithuania, or other laws of the Republic, or whose actions pose a threat to national security or public order, health and morality of its inhabitants, depart from the Republic of Lithuania. If a foreigner refuses to depart or if he does not depart within the recommended period, a decision concerning his deportation may be adopted by the Ministry of Internal Affairs. Foreigners who entered or are residing in the Republic of Lithuania illegally may be deported from the country on the decision of the Ministry of Internal Affairs.

60. Paragraph 4 of article 36 provides for the possibility of appealing against the decision to deport a foreigner from the Republic of Lithuania in accordance with administrative proceedings.

Article 14

61. Article 29 of the Constitution of the Republic of Lithuania and article 2 of the Law on Courts stipulate that "all people shall be equal before the law, the court and other State institutions and officers. A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, ethnicity, language, origin, social status, convictions, or opinions".

62. Article 30 of the Constitution of the Republic of Lithuania and article 4 of the Law on Courts provide for the right of a person whose constitutional rights or freedoms have been violated to appeal to court.

63. In article 109 of the Constitution of the Republic of Lithuania and article 1 of the Law on Courts, it is said that the courts have the exclusive right to administer justice in the Republic of Lithuania. In administering justice, judges and courts are independent. Judges investigating a case can obey only the law.

64. Article 117 of the Constitution of the Republic of Lithuania, article 6 of the Law on Courts, article 16 of the Code of the Penal Procedure and article 10 of the Code of the Civil Procedure of the Republic of Lithuania provide that all court proceedings are open to the public. Closed court sittings may be held in order to protect the citizen's or the citizen's family's private life, or to prevent the disclosure of State, professional or commercial secrets. Closed court sittings may be held in cases when the criminal act was committed by a person under the age of 16, or in order to ensure the secrecy of adoption. Verdicts and final court decisions are openly announced in all cases.

65. Article 31 of the Constitution of the Republic of Lithuania, article 3 of the Law on Courts and article 3 of the Penal Code provide that every person has to be presumed innocent until proven guilty according to the procedure established by law and until declared guilty by an effective court sentence.

66. Article 307 of the Code of Penal Procedure sets forth that court proceedings begin with the announcement of the indictment or the statement of the plaintiff. Then the chairman of the court hearing asks if the accused understands the indictment brought against him and, if necessary, explains to the accused the essence of the indictment and asks if he/she pleads guilty. Upon the request of the accused, the chairman gives him/her a chance to explain his/her answer.

67. Article 5 of the Law on Courts and article 17 of the Code of Penal Procedure stipulate that a person suspected or accused of a crime is guaranteed the right to defence and a legal counsel from the moment of arrest or first interrogation. Legal assistance is provided by counsels in all cases, except cases in which, according to the law, legal assistance can be provided by other persons as well. Article 55 of the Code of Penal Procedure

states that upon the request of the suspect the accused or a person on trial, the participation of a counsel for the defence is guaranteed by the investigator, the interrogator, the judge or the court.

68. Article 262 of the Code of Penal Procedure establishes that the judge personally or the court in its sitting have to decide whether the case should be put on trial no later than within 10 days after the receipt of the case in the court. The case proceedings have to commence no later than 15 days after the judge or the court session decides to put the accused on trial.

69. Article 31 of the Constitution and article 267 of the Code of Penal Procedure provide that a person suspected or accused of a crime has the right to defence or a legal counsel from the moment of his arrest or first interrogation. Article 56 of the Code of Penal Procedure states that the investigator, the interrogator, the prosecutor, the judge and the court monitoring the case, as well as the Chairman of the Bar Association, have the right, in the order prescribed by the laws of the Republic of Lithuania, to openly declare that the defendant is partly or fully exempt from the payment of legal fees. In such a case the counsel for the defence is commissioned by the Government in the manner prescribed by the Government of the Republic of Lithuania.

70. Paragraph 6 of article 267 of the Code of Penal Procedure provides for the right of the accused to question witnesses, experts, specialists, other persons on trial, as well as the plaintiffs and their representatives.

71. Article 9 of the Law on Courts and article 122 of the Code of Penal Procedure establish that court hearings in the Republic of Lithuania are conducted in the official State language. Persons who do not know the Lithuanian language have the right to interpreter services during court proceedings. This right is also guaranteed to persons who cannot speak Lithuanian well enough and who express a wish to speak in their native language during court proceedings. Interpreter services are commissioned from the State budget.

72. Paragraph 3 of article 31 of the Constitution stipulates that "persons cannot be compelled to give evidence against themselves or against their family members or close relatives".

73. Article 6 (1) of the Code of Penal Procedure provides that a process of criminal investigation of a minor may be terminated if the case is transferred to the Agency of Children's Rights Protection under the Ministry of Social Security. Paragraph 2 of article 245 of the Code of Penal Procedure sets forth that in cases of crimes committed by minors and of crimes punishable by capital punishment, as well as in cases where the judge does not agree with the conclusions of the indictment, or if there exists a need to change measures of detention or protection set for the accused, a procedural meeting has to be convened. Article 56 of the Code of Penal Procedure provides for the compulsory presence of counsel if the suspect or the accused is a minor. Article 272 of the Code of Penal Procedure stipulates that in juvenile cases the court has the right to invite representatives of organizations, enterprises, firms or other establishments in which the minor has worked or studied to attend court proceedings. Article 269 of the Code of Penal

Procedure states that parents or other legal representatives of the minor must be invited to court hearings. They have the right to participate in the court's examination of evidence, present evidence and submit applications and objections.

74. Article 365 of the Code of Penal Procedure of the Republic of Lithuania provides for the right of the accused, his counsel and a legal representative, as well as the victim and his/her representative, to appeal against the verdict of the court. Article 368 of the Code of Penal Procedure states that if a person enjoying the right to file an appeal misses the deadline for filing the appeal for serious reasons, he/she may reapply to the court which has handed down the verdict to restore the term missed. A court ruling refusing to restore the term missed may be appealed against or a protest may be lodged with a cassation-instance court which has the right to renew the missed period. Article 373 of the Code of Penal Procedure provides that the court of cassation has to investigate the criminal cases received because of a cassation complaint on the date indicated by the first instance court. Article 375 of the Code of Penal Procedure sets forth that the cassation-instance court hearings are open to the public, except in cases specified in the laws of the Republic of Lithuania.

75. Article 416 of the Code of Penal Procedure establishes the order of reviewing a sentence, ruling or decision of the court. Paragraph 2 of article 417 states that the Prosecutor General of the Republic of Lithuania and his deputy prosecutors have the right to lodge a protest against the verdict or the decision of the Division of Criminal Cases of the Supreme Court of the Republic of Lithuania with the Presidium of the Supreme Court of the Republic of Lithuania. Paragraph 3 of this article provides that the Chairperson of the Supreme Court of the Republic of Lithuania and the Prosecutor General may lodge a protest against a decision of the Presidium of the Supreme Court of the Republic of Lithuania with the plenary meeting of the Supreme Court of Lithuania.

76. Article 486 of the Civil Code of the Republic of Lithuania stipulates that the State recovers in full damages inflicted upon a person by an unlawful incurring of criminal liability, unlawful arrest while applying measures of suppression, unlawful administrative penalty, namely, imposing arrest or penitentiary works, irrespective of the guilt of the court or officials of inquest, preliminary interrogation, prosecutor's office, in the order prescribed by law. In such instances not only material but also moral damage has to be recovered.

77. Article 31 of the Constitution of the Republic of Lithuania and paragraph 4 of article 3 of the Penal Code provide for the principle of non bis in idem.

Article 15

78. Paragraph 1 of article 3 of the Penal Code of the Republic of Lithuania states that a person can be punished for an offence only if the offence was stipulated in the law which was in force before the commission of the crime. Paragraph 3 of article 3 of the Penal Code provides that an offender may be held liable if at the time of the commission of an act he could be held

responsible for criminal behaviour corresponding to the law. Article 7 of the Penal Code sets forth that a law cancelling the criminality of an act lightening the penalty or facilitating the position of an offender in one way or another is reversibly valid, i.e. it is valid for the persons who had committed a criminal act before the law came into force, or for persons serving a sentence or having a previous conviction.

Article 16

79. Neither in the period between 1918 and 1940 nor after 1990 had there been any theoretical or practical attempts to proclaim a person or a group of persons beyond the law; all persons are recognized as subjects of legal relations.

Article 17

80. The rights and guarantees established in article 17 of the Covenant are provided for in articles 22 and 24 of the Constitution. These articles not only stipulate in general terms that the private life of a person is inviolable, but also provide that information concerning the private life of an individual may be collected only upon a justified court order and in accordance with the law and that entrance into a place of residence without the consent of the resident is prohibited. On the other hand, article 145 of the Constitution provides for the possibility of temporary restriction of these rights and freedoms during martial law or a state of emergency.

81. The Constitution and other laws of the Republic of Lithuania in certain cases put restrictions upon this right: "information concerning the private life of an individual may be collected only upon a justified court order and in accordance with the law" (paragraph 3, article 22 of the Constitution); entrance into a dwelling place without the consent of the resident may only be permitted upon a corresponding court order, or according to the procedure established by law when the objective of such an action is to protect public order, apprehend a criminal, or save a person's life, health, or property" (art. 24). These provisions of the Constitution are not declaratory. They have been integrated into the legal system of the Republic of Lithuania through other legal norms.

82. The concept of the inviolability of a person's residence as set forth in article 17 of the Covenant has a broader meaning in the provision of the Constitution concerning the inviolability of a residence (art. 24). "A residence" here means any type of living premises, be it an apartment, a house, or a temporary construction.

83. The Penal Code of the Republic of Lithuania provides for criminal responsibility for violations of the inviolability of a residence, infringement on secrecy of correspondence and telegramme contents, on privacy of telephone conversations, persecution for criticism, secrecy of adoption, slander, desecration of graves and impact on computer information.

84. Civil laws provide for compensation for moral damage because of dissemination of unlawful or false information demeaning the honour and dignity of a person in the mass media.

85. As the Committee deems it compulsory to specify which institutions and laws place restrictions on the individual rights and freedoms indicated in article 17 of the Covenant, laws and their main provisions with regard to the above-mentioned freedoms and rights are analysed below.

Code of Penal Procedure

86. Paragraph 2 of article 16 of the Code of Penal Procedure provides for a closed trial for crimes committed by persons under the age of 16, sex crimes or other crimes, in order to prevent disclosure of information about the intimate side of life of the individuals on trial.

87. Paragraph 1 of article 157 stipulates that facts of preliminary investigation may be disclosed solely upon the consent of the investigator, interrogator or prosecutor and only to the extent deemed lawful by these persons.

88. Article 191 of the Code of Penal Procedure states that an investigator is obliged to take all necessary precautions to assure the privacy of a person being searched, as well as the secrecy of circumstances of other persons' lives which became known during a search or a person's arrest.

89. Paragraph 3 of article 193 provides that a search may be conducted only by a person of the same sex.

Law on Operative Activities

90. According to article 3 of this Law, the basis for initiating operative activities is primary information about a crime being prepared or committed, criminal activities or illegal income. The investigation of criminal activities stipulated in the Law on Operative Activities is carried out as provided:

(a) Persons who have committed the crime are unidentified;

(b) There is primary proven information about a person's criminal activities.

91. Article 4 stipulates that the system of subjects of operative activities consists only of institutions under special State authorization, which are commissioned to carry out the said operative function, and their officers who are authorized to engage in law enforcement. To use the operative activities or their results in any but official interests is prohibited. The list of services of these institutions and the extent of their operative activities is regulated only by the Government of the Republic of Lithuania on the motion of the subjects of operative activity.

92. Participants in covert activities are secret employees and secretly cooperating individuals.

93. Article 6 provides for those appointed to carry out covert activities, under the warrant of Prosecutor General, to enter secretly and search premises, and to control parcel-post and electric communications.

94. Article 9 states that information received by way of covert actions may be submitted during court proceedings with the prior permission of the Prosecutor General. To use information obtained by way of covert activities for the purposes other than those arising from the surveillance specified in the warrant is prohibited.

95. If information about a person obtained by special equipment is made public, the person may lodge a complaint and deny the evidence on the basis that the information was obtained illegally or that the means of covert activity were not sanctioned. In such a case only the court has the right to make extracts of the request for surveillance warrant public and thereby prove the legality of the sanction.

96. Article 12 obligates the Prosecutor General to report to the Seimas at the commencement of every session about the means of covert activities used, as well as to inform a special commission on the impending application of means and methods of covert activities.

Law on the State Security Department of the Republic of Lithuania (1991)

97. According to article 5 of this law, the State Security Department is obliged to follow the principle of inviolability of human rights and freedoms. Human rights and freedoms may be restricted only in cases established by law. Upon the request of a person, officers of the State Security Department have to ascertain the legal grounds for the restriction of his/her freedoms and rights.

98. The State Security Department guarantees a person confidentiality of information.

99. Persons who have helped the State Security Department and suffered material loss therefrom are subject to compensation of damage by the State.

100. Article 7 of this law sets out the tasks and targets of the State Security Department, namely, to obtain information about activities which pose a threat to national security, sovereignty, inviolability and integrity of the territory, the order and power of the State and its defensive and economic capacity, as provided in the Constitution of the Republic of Lithuania; to prevent those activities and determine the reasons which cause them, as well as the lawful ways of eliminating them.

101. In 1995, the Seimas adopted the Statute of the State Security Department.

Law on Police (1990)

102. According to article 36, while preventing an offence, a police officer has the right:

(a) To take intoxicated persons from public places or dens to "sobering-up" stations (or, in the absence of such stations, to police quarters) if such persons are unable to move, are liable to harm themselves or the people around them, or are the potential victims of crime;

(b) To summon to police quarters and officially caution persons for inadmissible anti-social behaviour;

(c) While conducting administrative surveillance, to enter, at any time of day, the permanent or temporary residence of persons under administrative surveillance, to summon and bring such persons to police quarters, and to supervise their actions in order to confirm that they comply with the imposed restrictions;

(d) While monitoring immigration regulations and the pass system at the State border, to enter a person's residence from 6 a.m. to 10 p.m., to request personal documents, and to write records of administrative violations;

(e) To take photographs and make video and audio recordings of persons under administrative arrest, persons under administrative surveillance, and persons who are on the police prevention register; to fingerprint persons suspected of having committed a crime or of being vagrants;

(f) To detain and deliver vagrants to reception-distribution centres, and to fingerprint and photograph detained persons who have no personal documents and whose identity is impossible to establish in any other way; to carry out, in the presence of a physician, bodily examinations in order to establish a person's distinguishing features. When necessary, a police officer has the right to take handwriting samples of such persons and to seize items which might help to establish the person's identity;

(g) Before boarding, to carry out security checks on aeroplane passengers, their baggage, and cabin luggage; to prevent from boarding persons who refuse to present their luggage for inspection, persons who show invalid or forged documents, and persons carrying prohibited items on board; to write up a report on administrative law violations.

Article 18

103. Human rights as outlined in article 18 of this Covenant are provided for in article 26 of the Constitution of the Republic of Lithuania, which contains the following:

> "Freedom of thought, conscience, and religion shall not be restricted. Every person shall have the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practise or teaching.
>
> "No person may coerce another person or be subject to coercion to adopt or profess any religion or faith.
>
> "A person's freedom to profess and propagate his or her religion or faith may be subject only to those limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others.

"Parents and legal guardians shall have the liberty to ensure the religious and moral education of their children in conformity with their own convictions."

104. The provisions of this article are stipulated in other articles of the Constitution. Article 27 provides that "a person's convictions, professed religion or faith may justify neither the commission of a crime nor the violation of law"; the principle of equality is set forth in article 29: "all people shall be equal before the law, the court, and other State institutions and officers. A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions".

105. All other laws of the Republic of Lithuania are in conformity with the provisions of these articles of the Constitution. For example, article 17 of the Law on Education of the Republic of Lithuania provides that "in State educational institutions, upon the request of parents (guardians, foster parents), persons commissioned by the church authorities may teach religion (of the requested confessions)".

106. Children under State care may be taught the religion practised by their families or relatives.

107. Pupils who do not attend classes on religion have to attend classes on ethics.

108. While applying this law in practice, however, pressure to teach the Roman Catholic religion (the principal denomination in Lithuania) is noticeable. Paragraph 2 of article 18 of the same law provides for the right of pupils of 15 and older "to personally decide concerning the study of religion". Article 26 of the Law on Education stipulates that "it shall be prohibited to propagate racial, national, religious and social prejudice and discrimination, to spread militaristic and similar ideas contradictory to universally recognized principles of international law".

109. Article 9 of the Law on Education stipulates that "private educational institutions shall be established, reorganized and closed down by legal persons or authorized citizens of the Republic of Lithuania with the consent of the Ministry of Education and Science". Legal and physical persons of foreign countries have the right to establish educational institutions or be founders of educational institutions with the consent of the Board of the Ministry of Education and Science.

110. Paragraph 5 of this article sets out that "in case a private educational institution violates the laws of the Republic of Lithuania, the Ministry of Education and Science shall have the right to suspend the activities of the said institution until the dispute is resolved in court".

111. In Lithuania confessional educational institutions (beginning with pre-school education and finishing with higher education) work under the conditions outlined in article 9 of the Law on Education. There are several Roman Catholic seminaries; teachers of religion are trained at State and

private institutions of higher education. This way the provisions of paragraphs 3, 4, 5 and 6 of article 43 of the Constitution are carried out:

> "Churches and religious organizations shall freely proclaim the teaching of their faith, perform the rituals of their belief, and have houses of prayer, charity institutions, and educational institutions for the training of priests of their faith.
>
> "Churches and religious organizations shall function freely according to their canons and statutes.
>
> "The teachings proclaimed by churches and other religious organizations, other religious activities, and houses of prayer may not be used for purposes which contradict the Constitution and the law."

112. The Provisional Law on Compulsory Military Service provides for the possibility of an alternative (labour) service. Paragraph 8 of the General Provisions of this law establishes: "Citizens between the ages of 19 and 27 who cannot serve in the national defence service because of their religious beliefs shall perform alternative (labour) service in State labour detachments or humanitarian or utility services". At the moment the provisions of paragraph 8 of this law are suspended. In the National Defence Army there are war chaplains.

113. The conditions and order of performing the alternative service are defined in the Law on Alternative (Labour) Service of 16 October 1990.

114. On 4 October 1995 the Seimas passed the Law on Religious Communities. The public discussion of this law has drawn attention to certain provisions of the Constitution as well. Paragraph 7 of article 43 of the Constitution provides that "there shall not be a State religion in Lithuania", and paragraph 1 of the same article sets out that:

> "The State shall recognize traditional Lithuanian churches and religious organizations, as well as other churches and religious organizations, provided that they have a basis in society and their teaching and rituals do not contradict morality or the law.
>
> "Churches and other religious organizations recognized by the State shall have the rights of legal persons."

115. Article 5 of the Law on Religious Communities provides that the State recognizes nine denominations as traditional in Lithuania; certain restrictions are imposed on other denominations, granting the Roman Catholic religion a certain priority. Article 43 of the Constitution, however, stipulates that "there shall not be a State religion in Lithuania". In order to function legally, religious communities must be registered. However, paragraph 2 of article 11 of the said law sets out that a religious community can be registered only if "it unites at least 15 members". Further on paragraphs 2 and 3 of article 6 provide: "State recognition shall be granted by the Seimas of the Republic of Lithuania. Religious communities may apply for State recognition in no less than 25 years from their first registration in Lithuania. If their registration is refused, a repeated appeal may be

filed only in 10 years from the date of refusal. The issue of recognition shall be resolved by the Seimas after the resolution of the Ministry of Justice has been received".

Article 19

116. The provisions of article 19 of the Covenant are outlined in article 25 of the Constitution which contains the following:

> "Individuals shall have the right to have their own convictions and freely express them.
>
> "Individuals must not be hindered from seeking, obtaining, or disseminating information or ideas.
>
> "Freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law, when it is necessary for the safeguard of the health, honour and dignity, private life, or morals of a person, or for the protection of constitutional order. Freedom to express convictions or impart information shall be incompatible with criminal actions - the instigation of national, racial, religious, or social hatred, violence, or discrimination, the dissemination of slander, or misinformation.
>
> "Citizens shall have the right to obtain any available information which concerns them from State agencies in the manner established by law."

117. Paragraph 2 of article 32 of the Constitution of the Republic of Lithuania sets out the provisions regarding criticism: "Each citizen shall be guaranteed the right to criticize the work of State institutions and their officers, and to appeal against their decisions. It shall be prohibited to persecute people for criticism". Article 44 of the Constitution of the Republic of Lithuania provides that "censorship of the mass media shall be prohibited. The State, political parties, political and public organizations, and other institutions or persons may not monopolize the means of mass media".

118. It is prohibited to propagate military ideas (article 69 of the Penal Code), to disclose official State secrets to the organizations of other foreign countries (arts. 73-74), to violate the principle of national and racial equality, to openly instigate a physical attack on other nationals (art. 72), and to establish anti-governmental organizations and participate in their activity (art. 70). The Penal Code protects the health and life, as well as the honour and dignity of a person (art. 133).

119. Article 145 of the Constitution provides that during martial law or a state of emergency, the rights and freedoms specified in article 25 of the Constitution may be temporarily restricted.

120. The Law on the Press and Other Mass Media (9 February 1990) and the Law on Communications (30 April 1991) regulate the activities of the mass media. The Law on the Press and Other Mass Media provides that citizens of the Republic of Lithuania have the right to freely and openly express their convictions and beliefs, to spread information in the press and other mass

media, to obtain objective information from them on every social or governmental issue. Mass media are independent and free of censorship. Interference with their activities of preparing and disseminating information is prohibited.

121. Article 214 of the Administrative Code provides for administrative responsibility of public servants if they refuse to provide a mass media representative with information without stating the reasons for the refusal, or hindering a journalist in performing his professional duty, unless otherwise provided by law.

122. State, political and non-governmental organizations and movements, as well as persons, have the right to refute the information published or announced in the mass media, provided it contradicts reality or humiliates a person.

123. In 1992 the Press Control Board (at present Mass Media Board) was founded under the Ministry of Justice with the main task to register and administer permissions to engage in publishing activities. Article 6 of the Law on the Press and Other Mass Media sets out that mass media are prohibited to publicize State secrets, the list of which is made up by the Government. The Government may impose other restrictions which are necessary for the protection of State interests and the rights of citizens:

(a) Dissemination of information, spreading of militaristic, offensive and religious prejudice as well as production, distribution and demonstration of pornography are prohibited;

(b) Dissemination of information about the private life of a person without his prior consent is prohibited, unless otherwise decided by the court;

(c) Dissemination of details of a preliminary investigation without the written permission of the prosecutor, interrogator or person carrying out the interrogation is prohibited. In writing about a law-court trial, the publication of articles violating the presumption of innocence is also prohibited;

(d) The regulations governing public release and demonstration of erotic publications, films and video programmes, as well as of other mass performances, are established by the Government of the Republic of Lithuania.

124. The Mass Media Board has to ensure that this article of the Law is not violated. In case secret information, indicated above, is released, the activities of a mass media organization may be restricted or terminated. The latter restrictions on the freedom to express convictions correspond to the content of paragraph 3 of article 25 of the Constitution, which states that "freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law, when it is necessary for the safeguard of the health, honour and dignity, private life, or morals of a person, or for the protection of constitutional order".

125. On the basis of these laws, the release and demonstration of artworks or other forms of expression of personal ideas, convictions and views which instigate national, racial, religious, or social hatred, discrimination, slander or violence are prohibited. The Penal Code provides for criminal liability and responsibility for committing such actions. The distribution of several publications from Russia has been prohibited because of the anti-Semitic ideas they propagated.

126. Under the order of the Minister of Justice, the Public Council has been founded at the Mass Media Board, consisting of lawyers, psychologists, psychiatrists, journalists and artists who, in certain cases, evaluate the aesthetic value of works of art.

127. Article 214 of the Administrative Code provides for administrative responsibility for violations of the order, set up by the Government on public release, copying and distribution of films, video films and video programmes, public demonstration of erotic performances, and distribution of erotic or violent publications.

128. As far as international cooperation is concerned, the Law on the Press and Other Mass Media states that such cooperation is regulated by agreements and contracts between the mass media, professional unions of journalists and other unions of artists. Resolution No. 322 of the Government of the Republic of Lithuania of 31 October 1990 established the regulatory status of foreign journalists in the Republic of Lithuania. The resolution stipulates that foreign telegraph agencies, television and radio stations, as well as editorial agencies of newspapers and magazines, may establish their offices in Lithuania by permission of the Ministry of Foreign Affairs. Foreign journalists who reside and work in the Republic of Lithuania must follow the provisions of the Constitution of the Republic of Lithuania, the Law on the Legal Status of Foreigners in the Republic of Lithuania, as well as other laws of the Republic of Lithuania. The Law on the Press and Other Mass Media regulates the working activities of foreign journalists. Two hundred and fifty representatives of mass media from foreign countries have been accredited by the Ministry of Foreign Affairs this year.

129. According to its Statute, Lithuanian Radio and TV is a State institution, reporting to the Seimas. Its main goals are to collect and disseminate information about Lithuania and the world to create, spread and safeguard cultural values; to create a tolerant and humane society; to develop radio and television communications and technical potential. People of various convictions and views, and representatives of all political parties, political and non-governmental movements and organizations, as well as ethnic and religious communities, may participate in programmes of Lithuanian Radio and TV. Parties and political movements are not permitted to develop their activities on Lithuanian Radio and TV. Equipment used for the preparation of programmes is the property of Lithuanian Radio and TV, which also gives them priority with regard to the use of transmitters and radio relay network.

130. The Law on Communications of the Republic of Lithuania provides that local radio and television networks may be the property of municipalities, organizations, institutions, establishments and physical persons. The Ministry of Communications and Informatics of the Republic of Lithuania

distributes radio frequencies attributed to Lithuania by international agreements with priority to State and municipal institutions. The Ministry also issues permits for organizations, institutions, companies and physical persons to purchase, construct, and exploit equipment emitting electromagnetic waves and monitors their work. The construction and use of radio and television stations on board ships and aircraft, as well as on other flying and sailing objects on the territory of the Republic of Lithuania or outside its boundaries, are prohibited.

Article 20

131. According to article 135 of the Constitution, as well as other legal instruments, war propaganda is prohibited. Article 69 of the Penal Code provides for criminal responsibility for incitement to war: "Public incitement to war shall be punishable by imprisonment up to five years".

132. Article 2 of the Law on Political Parties stipulates that political parties, the activities of which include war propaganda or advocacy of discrimination, or which violate human rights in any other way, are prohibited: "The establishment or activity of political parties, the programme documents and the activities of which practise or propagate racial, religious, or social inequality and hatred, methods of authoritarian or totalitarian rule, methods of forcible seizure of power, war, and violence propaganda, violation of human rights and freedoms, or other ideas or actions which contradict the constitutional order of the Republic of Lithuania and are incompatible with generally recognized rules of international law shall be prohibited".

133. Article 72 of the Penal Code provides for criminal responsibility for any discrimination with regard to ethnicity or race:

> "Restriction of a citizen's rights or granting of privileges on ethnic or racial grounds, as well as intentional acts aiming at incitement to national or racial hostility or violence, shall be punishable by imprisonment up to three years, or by fine combined with the deprivation of the right to hold a certain post or to engage in a certain activity up to three years, or by fine without that deprivation of the said right;
>
> "Public incitement to deal with persons of different ethnicity shall be punishable by imprisonment for up to five years, or by a fine combined with deprivation of the right to hold a certain post or to maintain a certain activity for up to five years, or by a fine without deprivation of the said right;
>
> "Acts defined by paragraphs 1 and 2 of this article, leading to the death of a person or other grave consequences, shall be punishable by imprisonment up to 10 years."

Article 21

134. The right to assemble in unarmed peaceful meetings is provided for by article 36 of the Constitution of the Republic of Lithuania. This right may

not be subjected to any restrictions except those which are provided for by law and are necessary to protect the security of the State or the community, public order, people's health and morals, or the rights and freedoms of other persons.

135. The Law on Assembly of the Republic of Lithuania, passed on 2 December 1993 by the Seimas, provides for the procedure for organizing such meetings. The cases, defined by article 8 of this Law, in which assembly can be prohibited do not contradict the regulations set forth in article 21 of the Covenant.

136. Article 8, called "Prohibited Assembly", of the Law on Assembly stipulates that assembly can be prohibited, if the participants:

(a) Are armed (possess firing or non-firing weapons, tools specially designed to cause personal injuries, set fire or inflict material damage, or tools that are not specially designed for the purposes mentioned above yet which may be used for these purposes); possess flammable, highly effective or radioactive materials or alcohol; are dressed in military uniforms or passively armed (wearing helmets, bullet-proof body armour, etc.); are masked or wear other items preventing recognition, which gives sufficient evidence that they are prepared to break the law;

(b) Drive means of transport in a way that jeopardizes traffic order and safety, jeopardizes the safety and health of the participants at the gathering and other persons, violate public order or create civil disturbance;

(c) Are naked or in other ways wilfully violate public scruples with their appearance or with items they possess and expose;

(d) Overtly incite to violations of the law, or violate the law and the Constitution of the Republic of Lithuania by using audiovisual means, slogans, placards, speeches made at the assembly or by other actions.

Article 22

137. The laws of the Republic of Lithuania do not define the concept "association". Article 35 of the Constitution guarantees citizens the right to freely form societies, political parties or associations. As this article of the Constitution does to contain the words "only" or "exclusively" or any other qualifying word indicating that this right may be guaranteed to citizens of the Republic of Lithuania alone, this right is extended to foreign nationals and to persons without citizenship permanently residing in Lithuania as well, as long as it does not contradict the Law on the Legal Status of Foreigners in the Republic of Lithuania. The concept of association as used in article 22 of the Covenant includes trade unions and their federations, communities, public organizations, political parties, political organizations and political movements. Thus, in its content it is far more formal and organized than is the concept of "meeting".

138. In order to implement the rights provided in article 35 of the Constitution, an appropriate legal basis has been created:

(a) The Law on Trade Unions of the Republic of Lithuania (21 November 1991);

(b) The Law on the Settlement of Collective Disputes (30 January 1994);

(c) The Law on Political Parties and Political Organizations of the Republic of Lithuania (25 September 1990);

(d) The Decree of the Presidium of the Supreme Council of the Republic of Lithuania "On the Provisional Registration Order of Statutes of Citizens' Voluntary Unions" (17 February 1989);

(e) The Law on Non-Governmental Organizations (2 February 1995).

139. Article 1 of the Law on Trade Unions of the Republic of Lithuania guarantees the citizens of the Republic of Lithuania and other persons permanently residing in Lithuania who are not younger than 14 years of age and work on contract or on another basis provided for in the law, the right to freely join trade unions and take part in their activities. Trade unions are voluntary organizations, independent in their actions which represent and defend the professional, labour, economic and social rights and interests of employees. Trade unions in the Republic of Lithuania act freely and independently. All trade unions have equal rights.

140. Article 8 of the above-mentioned Law provides that trade unions have to be registered at the town or regional (district) council, in the territory in which their structural subdivisions function. Trade unions and their federations (umbrella organizations) which, according to their statutes, operate in two or more towns or regions (districts) have to register their statutes at the Ministry of Justice. Currently, the Ministry of Justice has registered 69 trade unions. The registration of the statutes of trade unions and their federations may be effected no later than one month from the day of filing an application to register the statute, submitting the statute of the trade union and the minutes of the meeting (conference), or a copy of it, regarding the establishment of the trade union or its federations. Trade unions and their federations are granted the rights of a legal person from the day of the registration of their statute. In case the registration of the statute is refused, its founders have to be informed about the decision no later than three days after the decision has been made. The founders are also informed which provision of their statute does not comply with the laws of Lithuania. Refusal to register a trade union or its statutes may be appealed to court which adjudicates the complaints within three days.

141. Article 23 of the Law provides for the right of trade unions to organize meetings, demonstrations and other mass activities, in order to defend the rights of their members. Implementing the latter function, trade unions, in accordance with the procedure provided for by law, have the right to call a strike. The Law on the Regulation of Collective Disputes stipulates the procedure for regulation of collective disputes by strike. A trade union has

the right to call a strike (a warning strike) in accordance with the procedure provided for in its statutes. The right to declare a strike has to be vested in the meeting of a collective of employees during which the decision may be adopted by simple majority, or in a conference where the decision to declare a strike may be adopted by a two-thirds majority. A group of employees of a structural unit of an enterprise has the right to adopt a decision to call a strike provided that at least two thirds of the employees of the said unit and at least one half of the participants of the meeting of the collective of employees vote in favour of the adoption of such a decision.

142. The right to form associations, according to article 22 of the Covenant, may also be interpreted as the right to join political parties and non-governmental organizations. Article 1 of the Law on Political Parties and Political Organizations provides that citizens of the Republic of Lithuania have the right to be a member of a political party or a political organization and to participate in its activities. Only a citizen of Lithuania who has the right to vote (the active right of vote) may become a member of a political party or a political organization. It is stated in article 3 of this Law that in order to found a political party, the party must have no less than 400 members, a charter approved by a party conference, a party programme and an elected leadership.

143. Political parties and political organizations have to be registered by the Ministry of Justice of the Republic of Lithuania. At present, 24 political parties and political organizations function in Lithuania. The Ministry of Justice of the Republic of Lithuania has the right to suspend the activities of a political party or a political organization if it violates the Constitution. On the basis of a motion of the Ministry of Justice, the Supreme Court has the authority to order the suspension of the activities of a political party or a political organization if, after repeated suspension of its activities within a year, the party violates the Constitution or this law. The above-mentioned law provides that all political parties and political organizations in Lithuania function freely and independently. State bodies, enterprises, institutions and organizations, as well as public organizations and officials, are prohibited for interfering in the internal affairs of a political party or a political organization.

144. Paragraph 1 of article 22 of the Covenant states that joining associations and trade unions shall be free. The broader equivalent of this requirement is found in paragraph 2 of article 35 of the Constitution of the Republic of Lithuania: "No person may be forced to belong to any society, political party or association". Paragraph 2 of article 22 of the Covenant provides for the possibility of restricting the right to form associations or trade unions. As mentioned, the protection of interests may find its expression in meetings and strikes. The restrictions set forth in the law may be imposed when it is necessary in a democratic society to safeguard public order, health, morals or the rights and freedoms of other persons.

145. Paragraph 3 of article 2 of the Law on Political Parties of the Republic of Lithuania stipulates: "The establishment or activity of political parties whose programme documents propagate and whose activities practise racial, religious, social class inequality and hatred, methods of authoritarian or totalitarian rule, methods of forcible (violent) seizure of power, war, and

violent propaganda, violation of human rights and freedoms, or other ideas and actions which contradict the constitutional order of the Republic of Lithuania and are incompatible with universally recognized principles and norms of international law, is strictly forbidden". Article 10 of the Law on Political Parties and Political Organizations in the Republic of Lithuania provides that the structure of a political party must be based on the principle of territorial divisions only. Political party organizations may not be established or function in work collectives.

146. The Law on Non-Governmental Organizations regulates the operation, registration, rights and obligations of NGOs. An NGO may be founded by citizens of the Republic of Lithuania who are under 18 years of age. Article 11 of the Law stipulates that no State institutions or officials, political parties or political organizations, other organizations and persons can interfere with activity of NGOs.

147. Article 1 (3) of the Law on Non-Governmental Organizations states that the establishment and activity of NGOs whose objectives or activities pose a threat to the constitutional order or territorial integrity of the Republic of Lithuania, propagate war, violence, methods of authoritarian or totalitarian rule, practise racial, religious, social class inequality and hatred, violation of human rights and freedoms, or conduct other actions which contradict the laws of the Republic of Lithuania and universally recognized norms of international law, or operate in favour of other States' interests contrary to those of the Lithuanian State, are forbidden. The establishment of NGOs whose members are united on the basis of organizations acting against the sovereignty and territorial integrity of the Republic of Lithuania is prohibited.

148. Restrictions of the activity of an NGO are provided in article 12 of the Law on Non-Governmental Organizations. Those include prohibition to assume functions of the State, State institutions or its officials; to assume the functions of trade unions; to arm and organize military training for the members of the organization and establish military troops, except for cases provided by the law; to receive assets and other property provided by the authorities, governmental institutions or State organizations of other States, except for the assets or other property to be used for the support of culture, education, health care or sport.

149. An NGO which operates in two or more counties (districts) has to register its statute at the Ministry of Justice. An NGO which operates in the territory of more than one local authority and whose central office is in the administrative centre or another place in a county (district), has to register its statute at the office of the governor of the county. An NGO operating in the territory of single county or single town has to register its statute at the executive institution of local government.

150. In case of a refusal to register the statute of an NGO, its founders have to be informed of the refusal within five days following the decision. The refusal may be appealed to court within 15 days after it has been received.

151. The requirements set out in paragraph 2 of article 22 of the Covenant are in line with the provision discussed above, i.e. the possibility to implement restrictions on the right to form associations for persons serving in the military forces and in the police. Article 2 of the Law on Police of the Republic of Lithuania (11 December 1990), article 24 of the Law on the State Security Department (30 January 1994) and article 6 of the Internal Service Statute (29 July 1991) forbid the activities of political parties within these State institutions. The Law on Trade Unions of the Republic of Lithuania provides that the peculiarities of application of this law have to be set out in the laws regulating the activities of these organizations.

152. Article 8 of the Law on the Police of the Republic of Lithuania provides police officers with the possibility of establishing professional unions and other associations in order to meet their professional, cultural and social needs. Police officers, however, cannot become members of political parties. The same article prohibits them from going on strike. Article 24 of the Law on the State Security Department and article 7 of the Law on Police have the same regulations. Paragraph 5 of article 10 of the Law on Collective Disputes prohibits calling a strike within the structures of internal affairs, national defence and national security, as well as in enterprises of electric power, centralized supply of heating and gas, and services of emergency medical aid. The demands of the employees of such services and enterprises have to be considered by the Government.

153. Strikes are prohibited in zones of natural disaster as well as in regions under a state of emergency. Strikes are also forbidden by resolution 555 of the Government of the Republic of Lithuania on Safeguarding the Normal Rhythm of Work at Energy, Communications and Transport Enterprises, Institutions and Organizations (13 December 1991).

154. In addition to the restrictions specified above, article 145 of the Constitution stipulates that the rights and freedoms specified in its article 35 may be temporarily restricted during martial law or a state of emergency.

155. The Republic of Lithuania became a member of the International Labour Organization in 1921. After the re-establishment of independence on 11 March 1990, Lithuania renewed its membership in the ILO in October 1991. In June 1994 12 International Labour Conventions were ratified by resolution No. I-507 of the Seimas, the 1948 Convention on Freedom of Association and Protection of the Right to Organize (No. 87) among them.

156. Article 4 of the Law on Trade Unions of the Republic of Lithuania provides that trade unions must act in accordance with the Constitution, other laws, and the conventions of the International Labour Organization. The activities of trade unions are based on their statutes registered according to the established procedure.

Article 23

157. According to paragraph 1 of article 38 of the Constitution of the Republic of Lithuania the family is the basis of society and the State. The principal law regulating marriage and family relations is the Marriage and

Family Code (1 January 1970) (hereinafter referred to as MFC; a new MFC is currently under preparation). The MFC does not define the notion of family. According to the meaning of the notions "marriage" and "family" as given in marriage, family and civil laws, the family is understood as a natural and principal cell of the society, linked by marital, property and blood relationships, and consisting of parents (foster parents), children (adopted children), dependants and spouses.

158. Paragraph 2 of article 38 provides that the State protects and cares for the family, motherhood, fatherhood and childhood. In Lithuania universal protection by the State is granted to the persons whose marriage has been recorded at the civil registry institutions. The church wedding, registered after the Constitution of the Republic of Lithuania came into force, is also recognized. Material support of the State for the family is implemented by social insurance payments to those families who need social support the most. The conditions of and procedures for such payments are provided for by the Law on State Allowances for Families Which Raise Children (1 January 1995). Local government councils must, according to the procedure established by law, help families to provide themselves with accommodation. Various public and religious organizations supported by the State also help families.

159. The minimum marital age is 18 years of age. In exceptional cases permission to marry may be given to persons who are under the minimum marital age by the decision of the Board of the Local Government Council.

160. Marriage is contracted with the freely given consent of the man and the woman. Marriage is forbidden: between persons, one of whom is already married; between close relatives (relatives of straight upper and lower lines), between siblings and step-brothers and step-sisters, as well as between step-parents and step-children; between persons, one of whom was found by court legally incapable due to mental illness or imbecility.

161. The MFC establishes equal rights and obligations of the spouses with regard to personal and property relations on the basis of gender equality. Any direct or indirect restrictions of rights, or any direct or indirect priorities regarding origin, social status and wealth, racial or ethnic differences, education, sex, language, attitude to religion, nature and type of occupation, place of residence, or any other circumstances are forbidden when entering into marriage.

162. The MFC provides for the special rights of spouses, the implementation of which are guaranteed by the State. Spouses, of their own free will, choose one spouse's surname as their common surname, or each of them may retain his or her own premarital surname. By way of exception, after marriage spouses may be allowed to have a double surname.

163. Spouses have equal rights when educating children and solving other questions of family life (MFC, art. 19). If spouses disagree on the education of their children, such a disagreement has to be initially settled by a guardianship institution. If one of the spouses does not carry out its decision, the other spouse or the guardianship institution has the right to bring the case to court to settle the dispute.

164. Any of the spouses is free to choose an occupation, profession and the place of residence. A spouse contradicting his or her partner's choice regarding occupation, profession, or place of residence has no right to hinder the implementation of his or her partner's will.

165. The MFC and the Civil Code (1994) regulate the rights of the spouses with respect to their mutual relations regarding property. The prerequisite for the application of the regulations concerning common property is unviolated conditions of the marriage and its registration according to the procedure established by law.

166. Spouses have equal rights to own, use or dispose of common property. Spouses have equal rights to the property which belongs to them by right of joint private ownership, even if one of the spouses did not have an independent income because of managing a household, looking after children or other reasons. The property acquired during the marriage is considered as belonging to both spouses even if the property is registered in the name of one of the spouses. In order to protect the property rights and interests of both spouses, in order to make transactions of property transfer or mortgage, for which notarial certification or registration with relevant authorities is required, the consent of the other spouse has to be expressed in writing.

167. When dividing common property, the shares of the spouses are equal. In specific cases, the court may determine unequal shares for spouses with regard to the interests of children or other relevant interests of one of the spouses. The property may be divided in case of divorce or during wedlock, if one of the spouses claims it.

168. According to obligations of one of the spouses, the recovery can be done from the joint common private property of the spouses or from a part of the joint common property. Both spouses are responsible with their property for an obligation that was assumed by one of the spouses if what had been acquired by this obligation was used for the family interests.

169. Father and mother have equal rights with respect to their children. Parents have equal rights and responsibilities with regard to their children even if their marriage has been terminated.

170. The laws of succession recognize the living spouse's right to inherit the property of the deceased spouse along with other first-line successors.

171. Spouses have to support each other materially. If such support is refused, the disabled spouse who needs material assistance, as well as the wife during the period of pregnancy and three years after the birth of a child, have the right to receive maintenance (alimony) from the other spouse if he or she can afford to provide it. This right remains after the termination of marriage.

172. The laws of the Republic of Lithuania provide for the possibility of divorce at the request of one or both spouses, with the exception that a husband has no right to institute divorce proceedings against his wife if she is pregnant or within one year after the birth of a child.

173. Marriage can be terminated according to legal procedure, if a court decides that living in marriage is impossible. Having reached the decision to terminate marriage, the court has to take measures to protect the interests of a disabled spouse and minor children.

174. In case both spouses agree to terminate their marriage and they do not have minor children, their marriage may be terminated at a civil registry institution.

175. In case a dispute between spouses arises regarding maintenance (alimony) of the disabled spouse who needs maintenance, or regarding division of common private property, the spouses or one of them has the right to bring an action regarding the termination of the marriage to court.

176. The State takes measures to protect the interests of children. In case marriage is terminated, the court obliges the spouses to maintain their minor children by paying them maintenance of a certain amount every month.

177. If for any reason the parents live separately, they have jointly to determine the place of residence of their children. A father (mother) who has not been deprived of parental rights but lives separately has the right to take part in the education of the child and to communicate with him or her. A mother or father with whom the child lives has no right to hinder the other spouse from communicating with the child or from taking part in the child's education.

Article 24

178. Paragraph 2 of article 29 of the Constitution provides that "a person may not have his or her rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions". These provisions are applied to adult persons as well as minors. Paragraph 6 of article 38 and paragraph 3 of article 39 of the Constitution protect the child's rights. This obliges the State, the society and the parents to take all available measures so that minors' rights and their lawful interests are not violated. The MFC stipulates that parents must protect the rights and interests of their children. They are the guardians of their children without any special assignment. If parents do not fulfil their responsibilities and obligations established by law to educate their children and take care of their physical development and studies, prepare them for constructive labour, educate them as honourable members of the society, the State may take measures through the authorized institutions to ensure the children's education and support, and provide legal protection.

179. A minor enjoys greater protection by law than adult persons. Minors are granted exceptional legal status within the following branches of law: penal, penal procedure, penitentiary, civil, civil procedure, administrative, labour and social welfare. According to the criminal laws of the Republic of Lithuania persons can be held liable if they are 16 years old before the commission of an offence. Persons from 14 to 16 years of age who commit an offence can be held liable under criminal laws only for premeditated crimes which may cause a train accident, for intentional murder, intentional assault

causing actual or grievous bodily harm, rape, robbery, intentional destruction or damage of property with grave consequences and theft of weapons and ammunition.

180. A juvenile recognized as partially liable and who has committed a minor crime may be exempted from criminal responsibility or the court can prescribe preventive educative measures. The following types of preventive educative measure can be inflicted upon such juveniles:

(a) An obligation to apologize publicly or in another way;

(b) An obligation to fully or partly compensate by his work or money the damage inflicted by a misdemeanour or criminal offence;

(c) Return, on the basis of a guarantee, to the supervision of the parents or other relatives responsible for the minor;

(d) An obligation to perform free of charge from 20 to 100 hours of public work;

(e) Home supervision for up to 45 days;

(f) Sending to a reformatory institution (colony) for a period of up to three years but no longer than until the minor reaches 18 years of age. At least once a year, the court must review the expediency of being in a reformatory institution.

181. The Penal Code forbids sentencing a juvenile to capital punishment. If a person under 18 years of age has committed a crime, he/she can be sentenced to imprisonment for a period not exceeding 10 years.

182. Besides the common means of detention, the Code of Penal Procedure (1961) provides for additional means applicable to juvenile cases only. In case of arrest minors have to be detained separately from adults. In exceptional cases, and only with the approval of the prosecutor, juveniles may be kept together with adults in the same wards. It has to be admitted, however, that at the moment investigation cells are overcrowded.

183. The Code of Reformatory Labour (1971) also provides that a juvenile has to be detained separately from adult convicts. No special means may be used against a juvenile offender other than handcuffs.

184. A draft Law on Suppressive Detention is currently under preparation. This law determines the legal status of a juvenile in places of detention. The concept of prevention of juvenile offences and an administration of justice system have been prepared in Lithuania and are now in the process of realization. The essence of the programme lies in the understanding that a formal administration and declarations of justice may not solve the problems of juveniles, but rather a real concern with the rights and interests of juveniles and the elimination of reasons which provoke violations of the law. This programme is an attempt to develop the institution of probation, to reform the closed-type institutions for juvenile offenders, the system of carrying out punishment and other related matters.

185. According to the Administrative Code, persons are held liable if they are 16 years old before the commission of an administrative violation. Minors under 15 years old ("children" according to article 24 of the Covenant) can not be considered legally liable. They may enter into limited domestic contracts only. Their legal representatives are their parents who are their children's guardians without any special appointment. On behalf of their children parents (foster parents) may enter into contracts and perform other legal actions when they present the documents confirming their parenthood. Minors from 15 to 18 years old are partly liable. They have the right to dispose of their income or scholarship, implement their copyright to their creations, inventions, rationalization proposals and industrial demos, and draw up small contracts. Parents perform the function of guardians in respect of minors from 15 to 18 years old. A person is held fully liable when he/she reaches the age of 18. Aspects of one's civil liability correspond to the limits of liability established by the Civil Code.

186. A permanent resident of Lithuania who has reached the age of 16 may become a party to an employment contract. Persons who are 14 years of age may be employed in jobs, the list of which has been approved by the Law on Labour Protection of the Republic of Lithuania, provided that the health conditions at the establishment permit them to work in such a job. Minors between the ages of 14 and 16 may be employed only if it does not interfere with school attendance and only with the written consent of the school and of one of their parents or of other persons who are actually raising them.

187. The rights and special privileges of minors and pregnant women, as well as of persons raising minors and disabled children, are under protection by the Laws of the Republic of Lithuania on Employment Contract (1991), on Employment (1991), on Social Security (1990), on Holidays (1992) and on Labour Protection (1993).

188. Parents are responsible for the appropriate education and maintenance of their children. The MFC provides that issues regarding child-raising have to be solved by both spouses.

189. If court decides to terminate marriage, appropriate means are taken to protect the interests of the children and of disabled spouses. Declaring a marriage null and void does not affect the rights of the children who were born to such a marriage. The children born or conceived in the marriage which was recognized as invalid have the same rights and duties as the children born in a valid marriage.

190. Mutual rights and responsibilities of parents and children have to be based on the origin of the children, according to the procedure established by law.

191. Children born out of wedlock, if their parenthood has been established, have the same rights and responsibilities with respect to their relatives and parents as children born in wedlock. If a child was born out of wedlock, and a common parents' statement does not exist, parenthood may be established in a legal procedure at the claim of one of the child's parents or a guardian or by the child himself when he reaches majority. Father and mother have equal

rights and responsibilities with respect to their children. Parents retain equal rights and equal responsibilities with respect to their children in case of termination of their marriage.

192. Parents bring their children up, take care of their physical development and education, prepare them to be useful labourers and honourable members of society. The rights of parenthood must not contradict the interests of children. Both parents have to solve all problems related to the education of their children, on the basis of their common agreement. In case of parents' disagreement, the disputed question may be solved by a guardianship institution, with the participation of the parents.

193. Parents, or one of them, may be deprived of parental rights, provided it is recognized that they have avoided performing the duty to educate their children or have abused the parental rights, treated their children brutally, had a negative influence on them by immoral behaviour, were addicted to alcohol or drugs. Parents can be deprived of their parental rights in the procedure prescribed by law.

194. The law obliges parents to maintain their minor children and their adult disabled children who need support.

195. Guardianship is another form, established by law, of protecting children's rights and lawful interests. Guardianship is established for minors who, due to the death or illness of parents or due to their parents' deprivation of parental rights, have been left without any care, and also for the protection of the personal and property interests and the rights of these children.

196. Guardianship has to be established and financed by the Board of the Regional or Town Council. Regional and town councils establish and finance the Agency of Children's Rights Protection, the purpose of which is to implement the principal provisions of the Convention on the Rights of the Child, to defend the rights of children and to help children with residential, health and behavioural problems adjust to family and society.

197. Article 108 of the MFC provides that it may be permitted to adopt minors only and provided that adoption is in the best interest of the child. Only in exceptional cases can it be permitted to adopt siblings separately. The law requires in detail who is eligible to adopt children and the procedure for adoption. Adopters have to be recognized as adoptive parents by a court decision. At the adopters' request, the court can adopt a decision that the said adopters are recognized as the parents of the adoptee. In order to recognize the adopter of a child who is over the age of 15 as the parent thereof, the consent of the child must be given except in the case if, upon filing the petition for adoption and upon the adopter's request to be recognized as the child's parent, the child is living with said adopter's family and considers the adopter to be his or her parent. Adoption becomes valid once the court decision on said adoption comes into effect.

198. Officials who have registered an adoption as well as persons who have knowledge of an adoption must guard the confidentiality of said adoption.

Officials and persons who have made an adoption public against the will of the adoptive parents may be held responsible according to the procedure established by law.

199. Regional or town Agencies of Children's Rights Protection are authorized to manage all issues relating to adoption and guardianship, accumulate and file information about children who may be adopted according to the procedure established by law, arrange adoption documents and represent the interests of the children in adoption cases in court, and to accumulate information about families that are willing to adopt or foster children.

200. The Penal Code provides that if a criminal act is committed by a minor, the law considers age to be an attenuating circumstance. When a criminal act is committed against a minor or if minors were incited to commit a crime or were involved in it, the Penal Code considers it as an aggravating circumstance. A stricter penalty than the average is provided for the rape of a child or a minor. The law also provides punishment for seduction of minors, for engaging in sexual intercourse with an immature individual, for involving minors in crimes, alcohol abuse, gambling, begging, prostitution and the use of drugs.

201. Parents who in spite of the court's decision consistently fail to pay maintenance for their children may be sentenced to imprisonment.

202. The birth of a child must be declared and registered no later than within three months from the date of the birth. In case of a stillbirth it must be declared no later than 72 hours from the time of birth. Foundlings must be registered no later than 72 hours from the time of his or her being found.

203. Births have to be registered in the registry office in the child's birthplace or in the parents' (one of the parents) place of residence. If the child's birth is registered in the parents' or one of the parents' place of residence and not in the place of birth, the parents' or one of the parents' place of residence is indicated as the place of birth of the child.

204. Documents required for the birth registration:

(a) A medical certificate (doctor's or maternity home) confirming the birth and the time of the child's birth;

(b) Documents confirming parents' identity;

(c) Parents' marriage certificate or a document confirming the paternity.

205. The child has to be given his or her parents' surname. His or her first name may be given him or her by his or her parents under their mutual consent. In case the child's mother is not married and the paternity is unknown, the child may be given his or her mother's surname. His or her name and patronymic have to be recorded according to the mother's statement. In case the child's parents are unknown, the surname, name and patronymic are recorded according to the indication of the guardianship institution.

206. In relation to the child's citizenship, citizens of the Republic of Lithuania have all social, economic, political and individual rights and freedoms that are provided for and guaranteed by the Constitution of the Republic of Lithuania, and also by international agreements binding on the Republic of Lithuania. The Law on Citizenship of the Republic of Lithuania provides that citizenship of the Republic of Lithuania is acquired by birth.

207. A child, both of whose parents at the moment of his or her birth were citizens of the Republic of Lithuania, is a citizen of the Republic of Lithuania regardless of whether he or she was born on the territory of the Republic of Lithuania, or beyond its borders.

208. A child one of whose parents at the moment of his or her birth was a citizen of the Republic of Lithuania, may be a citizen of the Republic of Lithuania, if

(a) He or she was born on the territory of the Republic of Lithuania; or

(b) He or she was born beyond the borders of the Republic of Lithuania, but at the time of his or her birth both or one parent had a permanent place of residence on the territory of the Republic of Lithuania.

209. If at the moment of the child's birth one parent was a citizen of the Republic of Lithuania, and both parents had a permanent place of residence beyond the borders of the Republic of Lithuania, the citizenship of the child, until he or she is 18 years of age, has to be established by the parents' agreement.

210. A child, one of whose parents at the moment of his or her birth was a citizen of the Republic of Lithuania, and the other parent was either a person without citizenship or unknown, is a citizen of the Republic of Lithuania regardless of his or her place of birth (art. 9). A child whose parents are persons without citizenship and permanent residents in Lithuania acquires citizenship of the Republic of Lithuania.

211. A child found on the territory of the Republic of Lithuania, both of whose parents are unknown, is a citizen of the Republic of Lithuania, unless there are grounds for him or her to acquire a different status.

Article 25

212. Article 33 of the Constitution of the Republic of Lithuania provides that: "Citizens shall have the right to participate in the government of their State both directly and through their freely elected representatives, and shall have the equal opportunity to serve in a State office of the Republic of Lithuania". Article 34 of the Constitution sets out that "Citizens who, on the day of election, are 18 years of age or over, shall have the right to vote in the election".

213. The right to be elected is provided for by the Constitution of the Republic of Lithuania and by the election laws.

214. Citizens who have been declared legally incapable by court cannot participate in the elections. Citizens of the Republic of Lithuania are entitled to suffrage. This right is implemented in accordance with the procedure established by law (article 3 of the Law on Citizenship). It also provides that citizens of the Republic of Lithuania, permanently residing in Lithuania, are entitled to be elected to representative bodies of State power and other elective bodies of the Republic of Lithuania according to the procedure established by law.

215. Articles 55, 56, 78 and 110 of the Constitution defining the right to be elected President, a Seismas member, and a local government council member stipulate that any citizen of the Republic of Lithuania may be elected a Seismas or a local government council member, while only a person who is a citizen of Lithuania by birth is eligible to be elected President. They all have to be elected on the basis of universal, equal, and direct suffrage by secret ballot.

216. The rights of the voters and persons being elected to elective bodies mentioned above are provided for by the Law on Elections to the Seimas of the Republic of Lithuania, the Law on the Elections of the President of the Republic of Lithuania and the Law on the Elections to Local Government Councils.

217. Any citizen of the Republic of Lithuania who on the day of election is 25 years of age or over may be eligible to be elected a Seimas member and who is 21 years of age or over may be eligible to be elected a local government council member. Any citizen of the Republic of Lithuania may be eligible to be elected President of the Republic of Lithuania provided he has reached the age of 40 prior to the election day and provided he is eligible for election as a Seimas member (article 78 of the Constitution of the Republic of Lithuania; article 2 of the Law on the Elections of the President of the Republic of Lithuania). In addition to a certain age qualification, the Laws on Elections to the Seimas and on Elections of the President of the Republic of Lithuania (articles 56, 78 of the Constitution and article 2 of the above-mentioned laws) set as a requirement for a person to be elected to have had a residence in Lithuania for at least the three years prior to the day of election.

218. Persons who on the day of election are in the national defence service or alternative service, as well as officers, non-commissioned officers and re-enlistees of the national defence system, the police and the internal affairs service, and other paid officers of the military and security services who have not retired from service by the day of appointment of election day, cannot be eligible to be elected as members of the Seimas and local government councils. Members of the Seimas may not be eligible to be elected as local council members if their term of office expires after more than three months. Persons who have not served their court-imposed sentence, as well as persons who are declared legally incapable by court cannot be eligible to be elected as members of the Seimas and local government councils.

219. Every citizen of the Republic of Lithuania has the right to one vote in one electoral area. There can be no voting by proxy. Voters may vote in person and by secret ballot. It is prohibited to control the will of voters during elections.

220. Under the Law on Elections to the Seimas of the Republic of Lithuania (art. 2), the Law on Elections of the President of the Republic of Lithuania (art. 3) and the Law on Elections to Local Government Councils (art. 2), any (with the exception of the ones indicated above) direct or indirect abridgement of the right to vote of citizens of the Republic of Lithuania on the grounds of sex, race, nationality, language, descent, education, social status, religion, convictions or attitudes is prohibited. In the preamble to the Law on National Minorities of the Republic of Lithuania it is said that "the Republic of Lithuania shall guarantee to all its citizens, regardless of ethnicity, equal political, economic and social rights and freedoms".

221. Members of the Seimas are elected in one-mandate or multiple-mandate electoral districts. Candidates to the Parliament can be nominated by political parties. In multiple-mandate electoral districts, a political party can obtain deputy mandates only if the list of their nominees has won no less than 4 per cent of all active voters' ballots. A political party of an ethnic minority obtains deputy mandates provided for the list of its nominees voted not less electors than necessary to make a quota (art. 76) which is less than 4 per cent.

222. During the autumn of 1992 elections to the Seimas of the Republic of Lithuania, 39,772 voters out of 1,918,027, i.e. 2.07 per cent, voted in favour of the Polish Union of Lithuania taking part in the elections in multiple-mandate electoral districts. Owing to the privileges applied (according to article 76), two nominees of the Polish Union became members of the Seimas. Among the members of the Seimas of the Republic of Lithuania today there are seven members of Polish nationality, one Jew and three Russians. The members of the Polish Union have established a separate Polish faction.

223. Representatives of ethnic minorities take part in the elections and are elected as members of city and regional government councils. During the elections to local government councils in the spring of 1995, 69 representatives of the political organization called Election Action of the Poles of Lithuania were elected in nine constituencies: in Vilnius region the Election Action of the Poles of Lithuania received 70.4 per cent of votes, in Salcininkai region 56 per cent, in Vilnius City Council 21.6 per cent, in Trakai region 22.2 per cent, in Svencionys region 20.0 per cent. Persons of Polish nationality also participated in the local government elections as members of other parties (Lithuanian Labour Democratic Party, Agrarian, etc.). Some of them were elected to Vilnius City Council and other local government councils in this multinational region.

224. The Law on Local Government Councils provides that members of local government councils are elected in multiple-mandate electoral districts (art. 1), and candidates can be nominated by political parties and political organizations. In 1994 the Poles of Lithuania established their organization known as Election Action of the Poles of Lithuania, the members of which will

be nominated as local government council candidates. In 1995 the Russians of Lithuania also established a political organization known as the Union of Lithuanian Russians.

225. The Constitution of the Republic of Lithuania (art. 33), the Law on Citizenship of the Republic of Lithuania (art. 3) and the Law on National Minorities of the Republic of Lithuania (art. 2) guarantee all citizens regardless of ethnicity the equal opportunity to serve in a State office of the Republic of Lithuania, the right to be appointed to various offices in the bodies of State power and government, the right to hold any post in the bodies of State power or government, as well as in enterprises, institutions or organizations. The Law on the Legal Status of Foreigners in the Republic of Lithuania provides that foreigners who permanently reside in the Republic of Lithuania may hold any post in State service, with the exception of those posts that under the Laws of the Republic of Lithuania can be held only by citizens of the Republic of Lithuania (art. 10). Foreigners cannot elect or be elected to the representative bodies of State power of the Republic of Lithuania and other elective bodies, or participate in referenda (plebiscites).

226. Officials of law courts, the bar, national defence and other State bodies connected with legislation and the defence and security of the State must be citizens of the Republic of Lithuania. Article 6 of the Law on the Bar of the Republic of Lithuania provides that lawyers from foreign countries who are not citizens of the Republic of Lithuania may provide legal assistance in Lithuania in accordance with the international treaties of the Republic of Lithuania on legal assistance.

Article 26

227. Article 29 of the Constitution provides that "all people shall be equal before the law, the court, and other State institutions and officers. A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions". Article 30 provides that "any person whose rights or freedoms are violated shall have the right to appeal to court". Article 54 of the Law on Courts provides that on the territory of the Republic of Lithuania all its citizens have the right to legal protection of all the rights and freedoms guaranteed by the Constitution; citizens of other countries and persons without citizenship have the right to legal protection to the same extent as the citizens of the Republic of Lithuania. Article 1 of the Law on the Police stipulates that the police protects all citizens and organizations of the Republic of Lithuania, as well as other persons staying on the territory of the Republic of Lithuania, regardless of their citizenship, ethnicity, origin, social and material status, social and political views, religious beliefs or other factors. Article 2 of the Law on National Minorities also guarantees equal protection for all the citizens of the Republic of Lithuania, regardless of ethnicity. Tne Law on the Legal Status of Foreigners in the Republic of Lithuania provides that foreigners in Lithuania may enjoy the same rights and freedoms as citizens unless the Constitution and other laws of the Republic of Lithuania, as well as international agreements, provide otherwise (art. 3). Foreigners staying in the Republic of Lithuania have the right to appeal to

court and other State bodies personally or through a person authorized by them, in the same manner as citizens (art. 14). The rights of foreigners or persons without citizenship differ from the rights of citizens in property-related matters, and with respect to being elected to a post or to hold certain State offices. In other spheres of life foreigners enjoy practically the same rights and freedoms as all the citizens of the Republic of Lithuania.

228. Articles 2 and 29 of the Law on Employment Contracts stipulates equality for all employees, regardless of their sex, race, nationality, citizenship, political convictions, religious beliefs, or any other factors which do not affect their professional qualifications. The employer is prohibited from discharging an employee on the grounds specified above. Article 1 of the Law on Wages provides that it is illegal to reduce salary on the basis of sex, age, race, nationality or political convictions; the salary depends on the supply and demand of work on the labour market, the amount of work done and its quality, and on the results of the enterprise's activity. The Law on Labour Protection guarantees equal rights of employees, regardless of their citizenship, race, nationality, sex, age, origin or political or religious convictions (art. 3). The same rights and equality are provided for by article 35 of the Law on Science and Studies as well as by the statutes of universities, academies and institutes of the Republic of Lithuania which have been confirmed by the Supreme Council and later by the Seimas, and which now have the legal force of law. In 1995 the Government defined the order of temporary employment of foreigners in Lithuania.

Article 27

229. Article 26 of the Constitution of the Republic of Lithuania stipulates that "every person shall have the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practice or teaching. No person may coerce another person or be subject to coercion to adopt or profess any religion or faith". Further, article 43 states that "churches and religious organizations shall freely proclaim the teaching of their faith, perform the rituals of their belief, and have houses of prayer, charity institutions, and educational institutions for the training of priests of their faith. Churches and religious organizations shall function freely according to their canons and statutes".

230. The Constitution provides that a person's freedom to profess and propagate his or her religion or faith may be subject only to those limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others (art. 26); a person's convictions, professed religion or faith may justify neither the commission of a crime nor violations of law (art. 27). The teachings proclaimed by churches and other religious organizations, other religious activities and houses of prayer may not be used for purposes which contradict the Constitution and the law (art. 43).

231. The State recognizes traditional Lithuanian churches and religious organizations provided that they have a basis in society and their teaching and rituals do not contradict morality or the law (art. 43).

232. Article 2 of the Law on National Minorities of the Republic of Lithuania guarantees the ethnic minorities the right to profess any or no religion, and to perform religious or folk observances in their native language.

233. At present there are 23 different religious confessions registered in the Republic of Lithuania. They unite 1,044 religious groups, which have 889 houses of prayer (besides chapels of the Roman Catholic Church) and 1,071 priests. Church services are conducted in the Lithuanian, Russian, Polish, German, Ukrainian, Hebrew, Arabic and Latvian languages. Lithuanian Russians, Poles, Ukrainians, Germans, Latvians, Sunni Muslims and Jews have their own houses of prayer.

234. On 4 October 1995 the Seimas passed the Law on Religious Communities. Article 5 of this law, following the provisions of the Constitution, stipulates that the State recognizes nine confessions as traditional and having a basis in the society of Lithuania as part of the historical, spiritual and social heritage, namely the Roman Catholic, Greek Catholic, Evangelic Lutheran, Evangelic Reformer, Orthodox, Old Faith, Jewish, Sunni Muslim and Karait confessions. Eighty-five per cent of all believers are Roman Catholics. Believers of Lithuanian and Polish national origin comprise the absolute majority of Roman Catholics.

235. The Constitution states that citizens who belong to ethnic communities have the right to foster their language, culture, and customs (art. 37); ethnic communities of citizens may independently administer the affairs of their ethnic culture, education, organizations, charities and mutual assistance. The State supports ethnic communities (art. 45).

236. The rights and freedoms of persons who belong to ethnic, linguistic and religious minorities are provided for by the Law on National Minorities of the Republic of Lithuania. Under this law the Republic of Lithuania guarantees to all its citizens, regardless of their ethnicity, equal political, economic and social rights and freedoms, recognizes its citizens' ethnic identity and the continuity of their culture, and promotes ethnic consciousness and the expression thereof. Adhering to the principles of ethnic equality and humanism, the Republic of Lithuania guarantees to all ethnic minorities residing in Lithuania the right to develop freely, and respects every ethnic minority and language. Any discrimination with regard to race, ethnicity or nationality, language or anything else related to ethnicity is prohibited and punished under the procedure provided by the laws of the Republic of Lithuania (art. 1).

237. Among others, the Law on National Minorities provides for the following rights: to obtain aid from the State to develop minority culture and education; the right to schooling in one's native language, with provision for pre-school education, other classes, elementary and secondary school education, as well as provision for groups, faculties and departments at institutions of higher learning to train teachers and other specialists needed by ethnic minorities; to have the press and information in one's native

language; to form ethnic cultural organizations; to establish contacts with persons of the same ethnic background abroad (art. 2). Cultural organizations of ethnic minorities also have the right to establish cultural and educational institutions. The State provides aid to organizations and institutions that serve these minorities' educational and cultural purposes (art. 7). The Law on National Minorities provides that historical and cultural monuments of ethnic minorities have to be considered part of the cultural heritage of Lithuania and are under the protection of the State (art. 6).

238. Under the valid laws of the Republic of Lithuania any force directed towards refusal of one's ethnicity is prohibited; on the other hand, no one can be forced to prove his/her nationality (ethnicity). Every citizen of the Republic of Lithuania, upon obtaining a passport, is free to identify his national origin on the basis of that of his parents or one of his parents (article 8 of the Law on National Minorities), or to ask the authorities not to insert a "nationality" seal into her/his passport.

239. A zero-variant of acquiring citizenship was chosen in the Republic of Lithuania. Citizenship could be acquired by every person permanently residing on the territory of the Republic of Lithuania. The overall majority of non-Lithuanians who expressed the wish to acquire Lithuanian citizenship were granted it. Others have acquired the citizenship of a foreign State or are stateless. According to article 1 of the Law on the Legal Status of Foreigners, in the Republic of Lithuania persons possessing the citizenship of any foreign State, as well as stateless persons, have to be qualified as foreigners. Their legal status and rights are regulated by this law, the Law on Immigration of the Republic of Lithuania, as well as other laws and legal acts. Foreigners permanently residing in the Republic of Lithuania enjoy the same rights and freedoms to cultural properties, education, native language and freedom of thought, conscience and convictions as citizens of the Republic of Lithuania. On 4 July 1995 the Seimas adopted the Law on the Status of Refugees on the Territory of the Republic of Lithuania.

240. The rights of persons who belong to national linguistic or religious minorities are also protected by bilateral and multilateral treaties. The Republic of Lithuania, being a member of the United Nations, the Council of Europe, the Organization for Security and Cooperation in Europe, the United Nations Educational, Scientific and Cultural Organization and other international organizations, follows the most important international instruments adopted by these bodies, and the provisions, standards and principles of multinational agreements and conventions as well as international law.

241. The Republic of Lithuania has signed bilateral treaties with Russia and Poland, in which the rights, freedoms and duties of national minorities residing in these countries are discussed in detail. These treaties have been ratified by the Seimas and, according to article 138 of the Constitution, they have the power of law.

242. In 1995 a special parliamentary group was formed in the Seimas to improve the Law on National Minorities. As the result of its activities, on 14 December 1995 the draft Law on National Communities was presented at the sitting of the Seimas. An analysis of the legal acts functioning in the

Republic of Lithuania has shown that, apart from the Constitution and the Law on National Minorities, the rights of national, linguistic and religious minorities are protected by more than 100 laws and legal acts of the Republic of Lithuania.

243. At present people of 109 nationalities reside on the territory of the Republic of Lithuania; they constitute 18.7 per cent of the total population.

244. Pre-school institutions have Lithuanian, Russian, Polish, Jewish and Belarusian language groups. There are secondary schools using Lithuanian, Russian, Polish, Belarusian, German and Hebrew as languages of instruction. On 1 September 1995, an elementary class with instruction in Ukrainian was opened at one of the schools in Vilnius. Technical and higher educational institutions have groups and specialities in which education is provided in the Lithuanian, Russian, Polish, and Belarusian languages. In the academic year 1993/94 the total number of students educated in the languages of ethnic minorities comprised 14.6 per cent of the total number at secondary schools, 10.6 per cent at vocational schools, 7.4 per cent at higher schools (colleges) and 4.2 per cent at universities.

245. Though article 29 of the Constitution provides that "a person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality or language", in the Republic of Lithuania the principle of positive discrimination is applied. This means that young people seeking admission to technical schools and universities are allowed to take entrance examinations in the language in which they were taught at their secondary schools (Lithuanian, Russian or Polish). The practice of a facilitated quota at universities, as well as other privileges of admission, are applied to young people from the multinational Vilnius region.

246. There are professional and amateur collectives of art, enterprises and institutions which are supported or entirely maintained by the State and local government authorities. In the Republic of Lithuania newspapers and magazines are published in Russian, Polish, Belarusian, Ukrainian, German and Yiddish - the languages of the ethnic minorities. Some publications are in the Hebrew, Karait and Tatar languages. State radio and television programmes are broadcast in Russian, Polish, Tatar, German, Belarusian and Ukrainian. Ethnic minorities have State and private radio stations and publishing houses. The programmes of Russian and Polish television are retransmitted on the territory of the Republic of Lithuania. In 1994, 32 magazines and newspapers were published in languages other than Lithuanian.

247. The Constitution of the Republic of Lithuania (art. 37), the Law on National Minorities (arts. 1, 2, 4, 5), the Law on the Legal Status of Foreigners in the Republic of Lithuania (art. 23), other laws and legal acts guarantee the right to use one's native language in different areas. Article 14 of the Constitution stipulates that the Lithuanian language is the State language. The resolution of the Parliament of the Republic of Lithuania "On the Terms of Implementing the Status of the State Language" (29 November 1990) provides that the requirement to know the State language cannot be applied to employees who do not have to communicate with other persons officially. The resolution of the Government of the Republic of

Lithuania "On the Qualification Requirements of the State Language" outlines three qualification categories of the level of knowledge of the State language according to the profile of various jobs. This principle of language-knowledge categories is defined in the Law on the State Language.

248. The Constitution (art. 117) provides that in the Republic of Lithuania, court trials are conducted in the State language. Persons who do not speak Lithuanian have to be guaranteed the right to participate in investigations and court proceedings through an interpreter. This right is provided by the Law on the Constitutional Court (art. 20), the Law on Courts (art. 58), the Law on Notaries (art. 15), the Law on the Legal Status of Foreigners (art. 12), and the Code of Administrative Law Violations in the Republic of Lithuania (art. 272).

249. The Law on National Minorities stipulates that in offices and organizations located in areas serving substantial numbers of a minority with a different language, the language spoken by that minority may be used in addition to the Lithuanian language (art. 4). Signs used in the areas indicated in article 4 of this law may be in the Lithuanian language and in the language used by that minority (art. 5).

250. On 31 January 1995 the Seimas passed the new Law on the State Language and on 7 February 1995 the Law on Implementing the Law on the State Language. Article 1 of the Law on the State Language provides:

> "This Law shall regulate the use of the State language in the public life of Lithuania, protection and control of the State language, and the responsibility for violations of the Law on the State language.
>
> "The Law shall not regulate unofficial communication of the population and the language of events of religious communities as well as persons belonging to ethnic communities.
>
> "Other laws of the Republic of Lithuania and legal acts adopted by the Seimas of the Republic of Lithuania shall guarantee the right of persons, belonging to ethnic communities, to foster their language, culture and customs."

251. At present 19 different nationalities residing on the territory of the Republic of Lithuania have their own non-governmental organizations, the total number of which exceeds 150.

252. The principle of the cultural autonomy of ethnic communities, provided for in article 45 of the Constitution, is being implemented in everyday life. At the same time, the rights of citizens belonging to ethnic minorities are protected not only by the Constitution, the Law on National Minorities and other laws of the Republic of Lithuania, by bilateral and multilateral agreements, but also by the special governmental structures established for that purpose.

253. Article 10 of the Law on National Minorities provides that a committee on ethnic minorities under the Government of the Republic of Lithuania has to be established to address the cultural and social needs and interests of

ethnic minorities. In spring of 1994, following the decisions of the Seimas and the Government, the functions of this committee were expanded. At present it solves the problems of ethnic minorities, multi-ethnic regions and Lithuanian emigrants, and is called the Department of Regional Problems and Ethnic Minorities under the Government of the Republic of Lithuania.

254. There are more departments and structures of the executive branch which take care of the implementation of the rights of ethnic minorities in everyday life. A Department of Ethnic Minorities is functioning under the Ministry of Education. Article 10 of the Law on National Minorities provides that public committees of ethnic minorities may be established by the resolutions of the Seimas and local government councils. This right is exercised in some towns and districts. A Council of Ethnic Communities in the Department of Regional Problems and Ethnic Minorities represents all nationalities which have united into separate organizations. The Council coordinates, within the limits of its competence, the activities of public organizations of ethnic minorities.